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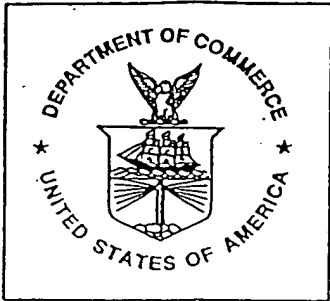
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**FAX**

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DATE: 7/1/03

PAGES: 7  
(No. of pages including this cover sheet)

TO: Frank DiGiglio  
(ATTORNEY, AGENT, FIRM OR AGENCY)

11658 (Ser. No. 09/142,108)  
(ATTORNEY'S DOCKET NUMBER OR APPLICATION NUMBER)

(516) 742-4366  
(FAX/TELECOPIER NUMBER)

FROM: Amy Nelson, EXAMINER,  
ART UNIT 1638

GROUP 1600 FAX NUMBERS: (703) 308-4242 or (703) 305-3014

PLEASE REVIEW PROPOSED EXAMINER'S AMENDMENT  
AND GIVE ME A CALL.

EXAMINER'S OFFICE PHONE NUMBER: (703) 306-3218

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### EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 7/1/03, Frank DiGiglio requested an extension of time for 1 MONTH(S) and authorized the Commissioner to charge Deposit Account No. 19-1033 the required fee of \$520 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

In the Claims:

At Claims 6, and 11-13, line 2, "comprising" has been changed to --consisting of--.

Claim 14 (twice amended). An isolated nucleic acid molecule [comprising a sequence of nucleotides encoding or complementary to a sequence] encoding the amino acid sequence as set forth in SEQ ID NO:2, or the complement of said nucleic acid molecule.

Claim 15 (twice amended). An isolated nucleic acid molecule [comprising a sequence of nucleotides encoding or complementary to a sequence] encoding the amino acid sequence as set forth in SEQ ID NO:4, or the complement of said nucleic acid molecule.

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Claim 16 (twice amended). An isolated nucleic acid molecule [comprising a sequence of nucleotides encoding or complementary to a sequence] encoding the amino acid sequence as set forth in SEQ ID NO:6, or the complement of said nucleic acid molecule.

Claim 17 (twice amended). An isolated nucleic acid molecule [comprising a sequence of nucleotides encoding or complementary to a sequence] encoding the amino acid sequence as set forth in SEQ ID NO:8, or the complement of said nucleic acid molecule.

Claim 18 (twice amended). An isolated nucleic acid molecule [comprising a sequence of nucleotides encoding or complementary to a sequence] encoding the amino acid sequence as set forth in SEQ ID NO:10 or SEQ ID NO:11 or SEQ ID NO:12 or SEQ ID NO:13, or the complement of said nucleic acid molecule.

Claim 19 (twice amended). An isolated nucleic acid molecule [comprising a sequence of nucleotides encoding or complementary to a sequence] encoding the amino acid sequence as set forth in SEQ ID NO:15, or the complement of said nucleic acid molecule.

Claim 20 (twice amended). An isolated nucleic acid molecule [comprising a sequence of nucleotides encoding or complementary to a sequence] encoding the amino acid sequence as set forth in SEQ ID NO:17, or the complement of said nucleic acid molecule.

Claim 21 (twice amended). An isolated nucleic acid molecule [comprising a sequence of nucleotides encoding or complementary to a sequence] encoding the amino acid sequence as set forth in SEQ ID NO:19, or the complement of said nucleic acid molecule.

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Claim 22 (twice amended). An isolated nucleic acid molecule [comprising a sequence of nucleotides encoding or complementary to a sequence] encoding the amino acid sequence as set forth in SEQ ID NO:21, or the complement of said nucleic acid molecule.

Claim 23 (twice amended). An isolated nucleic acid molecule [comprising a sequence of nucleotides encoding or complementary to a sequence] encoding the amino acid sequence as set forth in SEQ ID NO:23, or the complement of said nucleic acid molecule.

Claim 24 (twice amended). An isolated nucleic acid molecule [comprising a sequence of nucleotides encoding or complementary to a sequence] encoding the amino acid sequence as set forth in SEQ ID NO:25, or the complement of said nucleic acid molecule.

Claim 26 (twice amended). A [genetic] DNA construct capable of reducing expression of an endogenous gene encoding a flavonoid 3'-hydroxylase in a plant, said [genetic] DNA construct comprising a nucleotide sequence selected from the group consisting of:

(i) a nucleotide sequence encoding an amino acid sequence selected from the group consisting of SEQ ID NO:2, SEQ ID NO:4, SEQ ID NO:6, [SEQ ID NO:8, SEQ ID NO:10, SEQ ID NO:11, SEQ ID NO:12, SEQ ID NO:13,] SEQ ID NO:15, SEQ ID NO:17, and SEQ ID NO:19, [SEQ ID NO:21, SEQ ID NO:23, and SEQ ID NO:25]; and

(ii) a nucleotide sequence selected from the group consisting of SEQ ID NO:1, SEQ ID NO:3, SEQ ID NO:5, [SEQ ID NO:7,] SEQ ID NO:14, SEQ ID NO:16, SEQ ID NO:18, [SEQ ID NO:20, SEQ ID NO:22 or SEQ ID NO:24,] and [the coding region in] nucleotides 1478 to 3897 of SEQ ID NO:9.

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Claim 27 (twice amended). A method for producing a transgenic plant which synthesizes a flavonoid 3'-hydroxylase, said method comprising:

stably transforming a cell of a plant with the nucleic acid molecule according to any one of claims [3-24 under conditions wherein said nucleic acid molecule is expressed] 3-5, 7-10, and 15-21 to produce a transformed cell;

regenerating a transgenic plant from the transformed cell; and

growing said transgenic plant [for a time and under conditions] wherein the nucleic acid molecule is expressed.

Claim 33 (twice amended). A transgenic plant having flower tissue exhibiting altered colour, said transgenic plant comprising a nucleic acid molecule [which comprises a sequence of nucleotides] selected from the group consisting of:

(i) a nucleotide sequence encoding an amino acid sequence selected from the group consisting of SEQ ID NO:2, SEQ ID NO:4, SEQ ID NO:6, [SEQ ID NO:8, SEQ ID NO:10, SEQ ID NO:11, SEQ ID NO:12, SEQ ID NO:13,] SEQ ID NO:15, SEQ ID NO:17, and SEQ ID NO:19, [SEQ ID NO:21, SEQ ID NO:23, and SEQ ID NO:25]; and

(ii) a nucleotide sequence selected from the group consisting of SEQ ID NO:1, SEQ ID NO:3, SEQ ID NO:5, [SEQ ID NO:7,] SEQ ID NO:14, SEQ ID NO:16, SEQ ID NO:18, [SEQ ID NO:20, SEQ ID NO:22 or SEQ ID NO:24,] and [the coding region in] nucleotides-1478 to 3897 of SEQ ID NO:9.

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Claim 34 (twice amended). [The] A cut flower from the transgenic plant according to claim 33.

Claim 35 (twice amended). [The] A seed from the transgenic plant according to claim 33.

Claim 36 (twice amended). [The] A fruit from the transgenic plant according to claim 33.

Claim 37 (twice amended). [The] A leaf from the transgenic plant according to claim 33.

In the Specification:

The Title of the Invention has been changed to:

--NUCLEIC ACID SEQUENCES ENCODING FLAVONOID 3'-HYDROXYLASE  
AND METHODS OF ALTERING FLOWER COLOR THEREWITH--

The Abstract of the Invention has been amended as follows:

At line 1, "genetic" has been changed to --nucleic acid--.

At lines 1-2, "flavonoid pathway metabolising enzyme and more particularly to" has been deleted.

At line 3, "or derivatives thereof" has been deleted.

At line 4, before "plants" --flowers of-- has been inserted.

At line 4, "and other organisms" has been deleted.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy J. Nelson whose telephone number is (703) 306-3218. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

The fax phone number for this Group is (703) 308-4242 or (703) 305-3014.

Any inquiry of a general nature or relating to the status of this application, or if the examiner cannot be reached as indicated above, should be directed to Customer Service 1600, whose telephone number is (703) 305-0198.

Amy J. Nelson, Ph.D.

July 1, 2003

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